

REMARKS

Applicants respectfully traverse the Requirement for Restriction, and elect for examination purposes the invention of Group I (A). Applicants reserve the right to pursue the non-elected subject matter in a divisional application.

The Office alleges that the inventions of Groups I and II "do not relate to a single general inventive concept" under PCT rule 13.1, because they "lack the same or corresponding special technical feature" under PCT rule 13.2. The Office then states that "Group A require[s] an isoelectric point and net charge analysis, which are not required in the invention of Group B. Therefore the inventions are directed to different processes that have different required method steps and reagents".

In support of this allegation, the Office cites various references (*Huang, Thompson, Mhatre*) as evidence that the alleged special technical features of Groups A and B (i.e., Groups I and II) "are not a contribution over the prior art".

However, *Huang* is directed to a chromatographic separation using zeolites, *Thompson* mentions "preparative isoelectric focusing" (i.e., an electrophoresis gel-based separation technique), and *Mhatre* is directed to cation exchange chromatography. In contrast, the present application is directed to a membrane-based method and apparatus. Thus, Applicants respectfully submit that the cited references are inapposite and therefore do not constitute proper evidence that the pending claims lack special technical features which are a contribution over the prior art.

Furthermore, PCT rule 13.2 states:

The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, *considered as a whole*, makes over the prior art. (emphasis added)

Applicants respectfully submit that the Office has failed to consider the claimed inventions "as a whole". Rather, the Office focused on a specific feature(s) of the claims for comparison with the cited references. Accordingly, the Applicants submit that the Requirement for Restriction is improper and should be withdrawn.

PATENT
U.S. Patent Application No. 10/774,082
Attorney Docket No. LIFT-029/01US

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted,
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